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1980

c 334 Ontario Food Terminal Act

Ontario

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CHAPTER 334

Ontario Food Terminal Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Food Terminal Board;
- (b) "fruit and produce" includes dairy products, eggs, fish, honey, maple products, poultry and vegetables;
- (c) "manager" means the manager appointed under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "regulations" means the regulations made under this Act;
- (f) "securities" includes bonds, debentures and promissory notes;
- (g) "Terminal" means the Ontario Food Terminal.
R.S.O. 1970, c. 313, s. 1.

2.—(1) The Ontario Food Terminal Board is continued as a body corporate and has a corporate seal in the form prescribed by the regulations. Ontario
Food
Terminal
Board

(2) The Board shall consist of not more than seven persons appointed by the Lieutenant Governor in Council. Members
of Board

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to be chairman and one of the members to be vice-chairman. Chairman,
vice-
chairman

(4) A majority of the members of the Board constitutes a quorum. Quorum

(5) The members of the Board shall receive such fees and expenses as the Lieutenant Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant Governor in Council may determine. R.S.O. 1970, c. 313, s. 2. Allowances
and
expenses

Officers,
remunera-
tion

3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed in the regulations and fix their remuneration, and the appointment of any person as a manager or other officer does not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees

(2) Subject to the approval of the Board, the manager of the Terminal may appoint such employees as he considers necessary and fix their salaries or other remuneration. R.S.O. 1970, c. 313, s. 3.

Objects of
Board

4.—(1) The objects of the Board are,

(a) to acquire, construct, equip and operate a wholesale fruit and produce market in The Municipality of Metropolitan Toronto or The Regional Municipality of York to be known as the Ontario Food Terminal and to acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

(b) to do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to
borrow
money and
issue
securities

(2) The Board has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

Additional
powers
R.S.O. 1980,
c. 95

(3) The Board; in carrying out its objects, has the powers set out in sections 23 and 275 of the *Corporations Act*. R.S.O. 1970, c. 313, s. 4.

Agreements

5. The Board may rent space in the Terminal to such persons and upon such terms as the Board considers proper and may make such arrangement and enter into such agreement with any such person as it considers advisable in the circumstances. R.S.O. 1970, c. 313, s. 5.

Guarantee
by Province

6.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province of Ontario to guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 313, s. 6. ^{Form of guarantee}

7. All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to, ^{Application of moneys}

(a) operating expenses;

(b) payment of interest on indebtedness; and

(c) a sinking fund established by the Treasurer of Ontario for the repayment of securities guaranteed by the Treasurer of Ontario under subsection 6 (1) and for the retirement of any other indebtedness of the Board,

and any surplus moneys remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal moneys payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine. R.S.O. 1970, c. 313, s. 7.

8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. R.S.O. 1970, c. 313, s. 8. ^{Fiscal year}

9.—(1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require. R.S.O. 1970, c. 313, s. 9 (1). ^{Annual report}

(2) A copy of the report shall be filed with the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1970, c. 313, s. 9 (2); 1972, c. 1, s. 8. ^{Idem}

10. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. R.S.O. 1970, c. 313, s. 10. ^{Audit}

11. The Board may be sued and may institute or defend proceedings in any court. R.S.O. 1970, c. 313, s. 11. ^{Authority to sue and be sued}

Markets
in Toronto,
York and
Peel

12.—(1) No person shall establish or operate within The Municipality of Metropolitan Toronto, The Regional Municipality of York or those parts of The Regional Municipality of Peel that, on the 31st day of December, 1973 composed the County of Peel, any market for the sale by wholesale of fruit and vegetables except with the approval of the Board, but this section does not apply to any such market that was being regularly and continuously operated as of the 1st day of April, 1955, so long as it is not extended or enlarged. R.S.O. 1970, c. 313, s. 12 (1), *revised*.

Interpre-
tation

(2) In subsection (1), the expression "any market for the sale by wholesale of fruit and vegetables" includes any premises at which fruit or vegetables are purchased for resale. R.S.O. 1970, c. 313, s. 12 (2).

Appeal to
Minister

13. Where the Board refuses an approval requested under section 12, the applicant for approval may appeal from the decision of the Board to the Minister who, after affording the applicant an opportunity to make representations, may confirm, rescind or alter the decision of the Board as the Minister considers proper, and the decision of the Minister is final. 1971, c. 50, s. 61 (1).

Regulations

14. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the officers of the Board;
- (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
- (c) prescribing the form of the seal of the Board;
- (d) respecting the operation, management and maintenance of the Terminal;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 313, s. 13.

Rules

15.—(1) Subject to the regulations, the Board may make rules with respect to,

- (a) the conduct of the Board's employees;
- (b) the conduct of the Board's tenants and their employees;
- (c) the conduct of any person on the Board's premises for any purpose;

(d) the use by any person of the Board's facilities and equipment. R.S.O. 1970, c. 313, s. 14.

(2) No rule hereafter made under subsection (1) takes effect ^{Approval of Minister} until it is approved by the Minister. 1971, c. 50, s. 61 (2).

16.—(1) Every person who contravenes any of the provisions ^{Offence} of this Act or the regulations or any rule made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$50 for a first offence and to a fine of not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

(2) Where an offence under subsection (1) is committed by ^{Motor vehicle} means of a motor vehicle, the driver of the motor vehicle, not ^{owner and driver} being the owner, is liable to the fine provided under subsection (1) ^{liable for penalties} and the owner of the motor vehicle is also liable to the fine provided under subsection (1) unless at the time the offence was committed the driver was in possession of the motor vehicle without the owner's consent. R.S.O. 1970, c. 313, s. 15.

